

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, THE ESTATE
OF CHERRIGALE TOWNSEND and THE HELEN
CHRISTINE TOWNSEND MCDONALD TRUST

Plaintiffs,

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED
SHEERAN, ATLANTIC RECORDING
CORPORATION, d/b/a ATLANTIC RECORDS,
SONY/ATV MUSIC PUBLISHING, LLC, and
WARNER MUSIC GROUP CORPORATION, d/b/a
ASYLUM RECORDS

Defendants.

ECF CASE

17-cv-5221 (LLS)

**DECLARATION OF DONALD S.
ZAKARIN IN SUPPORT OF
DEFENDANTS' SEVENTH
MOTION *IN LIMINE***

I, DONALD S. ZAKARIN, declare as follows:

1. I have personal knowledge of, and am fully familiar with, the facts set forth in this Declaration, which I respectfully submit in support of the Seventh Motion *In Limine* filed by Defendants Edward Christopher Sheeran (“Sheeran”), Atlantic Recording Corporation (“Atlantic”) and Sony/ATV Music Publishing LLC (n/k/a Sony Music Publishing (US) LLC) (“SMP,” together with Atlantic and Sheeran, the “Defendants” and each a “Defendant”), which seeks an Order precluding Plaintiffs from introducing at trial their proposed performance of the *Let’s Get It On* Deposit Copy as recorded on **Audio Exhibit 1** and **Audio Exhibit 2**, which Audio Exhibits are annexed to this Declaration. Exhibit 1 and Exhibit 2 correspond, respectively, to what Plaintiffs have labeled as “Track 01” and “Track 02.”

2. Annexed as **Audio Exhibit 3**, **Audio Exhibit 4**, and **Audio Exhibit 5** are copies of the Computer Audio Files (as such term is defined in the accompanying Memorandum of Law).

3. Audio Exhibit 3 includes computerized vocals to realize the melody notated in the Deposit Copy and features piano playing the chords notated in the Deposit Copy.

4. Audio Exhibit 4 includes the same computerized vocals from Audio Exhibit 3 to realize the melody notated in the Deposit Copy and features guitar (in lieu of piano) playing the chords notated in the Deposit Copy.

5. Finally, Audio Exhibit 5 includes the left hand of the piano, in lieu of vocals, to realize the melody notated in the Deposit Copy and features piano (the right hand of the piano) playing the chords notated in the Deposit Copy.

6. Audio Exhibits 3-5 are all performed at a tempo of 160 beats per minute.

7. Digital copies of the Audio Exhibits will be furnished to Chambers and also may be accessed at the following URL: <https://pryorcashman.sharefile.com/d-se308824e49584ca6a817c29ccec18aa5>.¹

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 24, 2023



DONALD S. ZAKARIN

¹ This URL will expire in 180 days.